

CHAPTER 2-000 CHILD CARE LICENSURE

2-001 License Requirement: A license is required when care is provided to four or more children under age 13 at any one time, from families other than that of the provider, for compensation, either direct or indirect. This care must be in lieu of care or supervision normally exercised by parents in their own home.

The Department shall issue a license only when the applicant -

1. Is in compliance with all applicable regulations, or
2. Has been granted an alternative compliance, or
3. Has a corrective action plan approved by the Department that specifies how compliance will be achieved within a specific time period, AND
4. Pays required fees.

2-002 License Fees: There is a twenty-five dollar fee charged for the issuance of each license for providers with a license capacity of less than thirty children and a fifty dollar fee charged for the issuance of each license for providers with a license capacity of thirty or more children.

An annual license fee of twenty-five dollars must be paid by providers with a licensing capacity of less than thirty children and an annual license fee of fifty dollars must be paid by providers with a licensing capacity of thirty or more children.

Fire inspection fees are determined and collected by the State Fire Marshal and/or their delegated authority after initial licensure.

2-003 Types of Licenses: All child care/preschool licenses are effective only for the address shown on the license, and as follows:

1. Provisional License: The license issued to all newly licensed providers for the first year of operation. This license may be extended for one six month period.
2. Operating License: The standard non-expiring license issued to providers who have been licensed for more than one year and are in full compliance with all regulations.
3. Probationary License Status: The license status determined when a provider is found to be out of compliance with regulation(s) and has a corrective action plan approved by the Department that specifies how compliance will be achieved in no more than six months. This status cannot be renewed or extended.

The maximum capacity, days, and hours of operation will be indicated on every license issued by the Department.

2-004 Services Exempt from Licensure: The following services are exempt from licensure, but may voluntarily be licensed:

1. Facilities providing irregular child care (care provided randomly with no established pattern of occurrence);
2. Care provided without cost or any form of compensation;
3. Care given to three or fewer children at any one time, except by a person whose license has been suspended or revoked;
4. A recreation camp;
5. Classes or services provided by a religious organization other than child care, preschools, or nursery schools;
6. A preschool program conducted in a school approved pursuant to Nebraska Revised Statutes, Section 79-318;
7. Care provided to children 13 years of age or older;
8. Care provided by grandparents to their grandchildren;
9. Care provided on military installations;
10. Care provided on Indian Reservations by Native Americans; and
11. Care provided by non-Native Americans on Indian reservations when tribal authorities have assumed the jurisdiction for regulating the care.